

THE HONORABLE RICARDO MARTINEZ

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARRIOTT INTERNATIONAL DESIGN )  
AND CONSTRUCTION SERVICES, INC., a )  
Maryland corporation, )

No. C04-822 RSM

Plaintiff, )

**JOINT STIPULATION AND ORDER  
FOR CONTINUANCE OF TRIAL  
AND PRETRIAL DEADLINES**

v. )

FMSM DESIGN GROUP, INC., a New )  
Mexico corporation, and JON L. MOORE and )  
JANE DOE MOORE, husband and wife, and )  
their marital community, )

Defendants. )

**STIPULATION**

COME NOW, plaintiff Marriott International Design and Construction Services, Inc. (“Marriott”) and defendants FMSM Design Group, Inc., Jon L. Moore and Jane Doe Moore (collectively, “Defendants”), by and through counsel, and, with the Court’s permission, hereby agree and stipulate to a continuance of the trial date and pretrial deadlines in the captioned matter. The parties stipulate to and request this continuance for the following reasons:

1. The parties are committed to an attempt to resolve this matter through mediation and before incurring substantial litigation costs and Court resources.

JOINT STIPULATION AND ORDER FOR CONTINUANCE OF  
TRIAL AND PRETRIAL DEADLINES - 1

Case No. C04-822 RSM  
115249.0012/1202788.1

**LANE POWELL PC**  
SUITE 4100  
1420 FIFTH AVENUE  
SEATTLE, WA 98101  
(206) 223-7000

2. The parties have cooperated in discovery, involving production and review of voluminous documents, which has taken much longer than anticipated. The parties have agreed to a course of discovery that will allow them to engage in a meaningful mediation, which the plan to conduct within the next few months. In light of the current trial date of October 3, 2005, and without the requested continuance, the parties will have to sustain significant trial preparation and litigation costs, including extensive expert discovery. Under such circumstances, a successful mediation is unlikely.

3. The parties are committed to a meaningful Rule 39.1 mediation of this matter; however, the current discovery cutoff date of June 5, 2005 will not provide adequate time to conduct discovery in light of the unanticipated volume of information generated in discovery

4. The parties agree that the above-described circumstance constitute sufficient extraordinary and exigent circumstances warranting a continuance of the trial date in this matter until May 2006, or until a later date at the Court's convenience.

DATED this 8<sup>th</sup> day of June, 2005.

MARRIOTT INTERNATIONAL DESIGN  
AND CONSTRUCTION SERVICES, INC  
By their authorized agent:

BRYAN CAVE LLP

FMSM DESIGN GROUP, INC., JON L.  
MOORE and JANE DOE MOORE  
By their authorized agent:

LANE POWELL PC

By: \_\_\_\_\_  
Joseph Colagiovanni #31529  
Daniel A. Spirn #48098  
One Metropolitan Square  
211 North Broadway, Suite 3600  
St. Louis, Missouri 63102-2750

By: \_\_\_\_\_  
John S. Devlin III, WSBA No. 23988  
Dennis M. Strasser, WSBA No. 25725

JOINT STIPULATION AND ORDER FOR CONTINUANCE OF  
TRIAL AND PRETRIAL DEADLINES - 2

Case No. C04-822 RSM  
115249.0012/1202788.1

**LANE POWELL PC**  
SUITE 4100  
1420 FIFTH AVENUE  
SEATTLE, WA 98101  
(206) 223-7000

**ORDER**

IT IS SO ORDERED. The trial date currently scheduled for October 3, 2005, is rescheduled for the first available opening in the Court's calendar in May 2006. The Clerk is directed to prepare, and the Court will sign, a revised Minute Order setting the trial date and related dates once the new trial date is selected.

/s/ Ricardo S. Martinez  
Hon. Ricardo Martinez  
UNITED STATES DISTRICT JUDGE

JOINT STIPULATION AND ORDER FOR CONTINUANCE OF  
TRIAL AND PRETRIAL DEADLINES - 3

Case No. C04-822 RSM  
115249.0012/1202788.1

**LANE POWELL PC**  
SUITE 4100  
1420 FIFTH AVENUE  
SEATTLE, WA 98101  
(206) 223-7000